

FOIA Frequently Asked Questions

Q: How do I submit a FOIA request?

A: Your request must be in writing and clearly describe the information being sought. Use of the IDNR FOIA request form is not required, but recommended, to assure accurate contact information [i.e., name, address, telephone, email, etc.], for certification purposes if needed, and to help direct your request promptly. You can fax your request to 217/785-2438 or submit your request by electronically e-mailing the [request form](#). Requests by US Mail, or special carrier, should be addressed to:

Illinois Department of Natural Resources
Attn: FOIA Officer
One Natural Resources Way
Springfield, IL 62702.

Q: What happens after I submit my FOIA request?

A: All requests are processed as received. Pursuant to the Freedom of Information Act, as amended, (5 ILCS 140/3), the Department will respond within 5 business days after receipt of request, or within 21 business days for Acommercial@ requests, as defined by the FOIA. If the requested information is not readily available, a deferral will be sent stating such.

If the FOIA response contains more than 4 inches of paper documents or multi-media format items, the requestor may be notified and advised of options for viewing or copying the files. Those options include:

- ◆ scheduling an on-site review of the records at DNR Headquarters in Springfield;
- ◆ hiring of a service by the requestor to copy the files; or
- ◆ notification of the copy fees that will be incurred by the requestor. Once payment is received, the requested information will be sent out.

Q: What is the response time for a FOIA request?

A. The response time for a FOIA request is 5 - 21 business days. Most FOIA responses are provided within 5 business days after receipt of the request. There are provisions for extension of 5 additional days, and by mutual agreement between the requestor and IDNR.

For Acommercial@request, the response time for a FOIA request is 21 business days after receipt of the FOIA request. The amended FOIA defines a FOIA request for Acommercial purposes@[5 ILCS 140/1 et seq.] in those instances where A use of any part of the public record or records, or information derived from public records, in any form for sale, resale, or solicitation or advertisement

for sale or services.@ Request by news media, non-profit, scientific or academic organizations are generally not considered to be for Acommercial purposes.@

Q: Is there a charge for records? And, if so, do I send payment with my request?

A: The basic charge for copying black/white documents is \$0.15 per page if more than 50 pages. The first 50 pages are provided at no cost. Color copy or oversize copy [i.e. larger than standard 8x11 or 8x14 paper] may involve a greater fee equivalent to the actual commercial cost for reproduction. **Do not send any pre-payment checks with your FOIA request.** If a fee is charged, the Department will notify the requestor of the charge. Once payment is received, the requested information will be sent out. **Payment by credit card or debit card is not allowed.** Payment is required by check or money order payable to AIDNR.@**No documents will be sent until receipt of payment.**

Q: Can I obtain a waiver or reduction of the FOIA fees if I need the documents to represent myself pro se in a legal proceeding or as a citizen interest group appeal?

A: The guidelines for waiver or reduction of fees regarding pro se legal proceedings, for indigent person[s], or for civil legal service provider[s] are governed by the Illinois Code of Civil Procedure (735 ILCS 5 *et seq.*).

IDNR may waive or reduce fees if the specific purpose of the FOIA request and the fee waiver or reduction are in the public interest, and are not for the principal purpose of Apersonal or commercial benefit.@ The criteria for fee reduction or waiver are further discussed under Section 6 [c] of the amended FOIA, 5 ILCS 140/6 [c]. Such requests for fee waiver or reduction should be detailed in the FOIA request when submitted.

Q: Can I request copies of individual hunting and fishing permits/licenses, as well as harvest records?

A: Yes. Please make sure to include in your FOIA request the name of the individual or entity, the calendar year(s) you are inquiring about, as well as the individual's date of birth, if known. Effective January 1, 2006, all licenses are on record with the Department. Prior to this date, only permit information is available.

Q: Can I request watercraft registration/title information through the FOIA process?

A: No. This request is available directly through the IDNR Registration/Title Section without submitting a FOIA request. You must complete a watercraft registration/title application and fee of \$5.00 payable to the Department of Natural Resources. This request should be sent to the IDNR Watercraft/Snowmobile Registration/Title Section, One Natural Resources Way, Springfield, IL

62702. This application form is on the IDNR web site under its [ABoating@link](#).

Q: Are Law Enforcement (hunting and/or watercraft) accident reports available to the public?

A: Yes. When requesting a copy of an accident report, please include date of incident, parties involved (if known), location and the Field Report number (if known). If the Field Report has not been closed by IDNR Law Enforcement, the report **will not** be released. In that situation, you will receive a FOIA Response Denial. However, your FOIA request will be kept open for a total of 180 days and will be checked on regularly. If, within this 180 day time period, the report becomes available and is less than 50 pages, the report will be sent to you directly at no charge; if the report is greater than 50 pages, you will be notified of any fee. After the 180 days, you will need to resubmit your FOIA request.

Q: Can I request copies of photographs included in law enforcement reports?

A: Yes. However, there may be a charge per photograph, unless the photographs are on file electronically for production in a compact disc format. The Department can produce color copy of photographs, but does not have the resources to make reproduction of actual photographs. The Department can facilitate a request for actual photographs by working a **local** (Springfield area) vendor to make the photographic reproductions for you. It will be your responsibility to arrange for payment directly to the vendor.

Q: What do I do if I disagree with the denial of my FOIA request?

A: Pursuant to Section 9.5 of the amended FOIA, 5 ILCS 140/3.5, you can file a request for review in writing to the Public Access Coordinator in the Office of the Attorney General no later than 60 days after the denial. The request for review must be signed and include a summary of the facts supporting your allegation of error. These review procedures are further described in Section 9.5[b] through [g], and also in Section 11.5 of the amended FOIA, 5 ILCS 140/9.5 and 11.5 et seq.

Any person denied access to inspect or copy any IDNR record may also file for injunctive or declaratory relief before the circuit court for Sangamon County, Illinois, or before the circuit court for the residence of the requestor, as provided in Section 11 of the amended FOIA, 5 ILCS 140/11.

Q: Can I request a list of names and addresses of individuals for recreational, harvesting, hunting and fishing licenses, permits and stamps?

A: Yes. However, names of individuals holding such licenses, permits or stamps are defined under the amended FOIA as ~~A~~private information@ which is exempt from FOIA release. Such listing with address information will be provided without attribution to any person. The list information is provided on CD in ASCII Delimited Text format.

When requesting this information, indicate the year and specific type of information you need (e.g., resident archery, non-resident archery, resident deer firearm, non-resident deer firearm, migratory waterfowl, Spring Turkey, Fall Turkey, Fishing, *Outdoor*Illinois, Lifetime Hunting, Lifetime Fishing, Lifetime Sportsmen, HIP, Upland Birds, Cross Bow, Watercraft, or Snowmobile). The costs for these records is \$250 per annual listing. You may request one or all of the lists in one FOIA request. You may submit the \$250 fee with your request to expedite the processing of this type of FOIA request, or the Department can bill you once the FOIA request is received.

Q: Can I request that my name and address be withheld from FOIA disclosures?

A: Personal identity information, such as name, date of birth and social security number, is withheld from FOIA disclosure as ~~private information~~ exempt from FOIA disclosure.

Q: Can I receive the requested information by electronic data transfer or by express overnight mailing?

A: The requested information can be provided by express overnight mailing, if so requested and if a prepaid mailing envelope or express delivery account number is provided with the FOIA request. In certain instances, the Department can arrange for electronic data transfer.

Q: How do I request that my FOIA documents be certified for use in court proceedings?

A: If you wish for your FOIA documents to be certified, please include this request for certification, as marked on the FOIA request form, or send an Affidavit with your request for signature by the Department's Custodian of Records. The Department cannot certify your FOIA documents after the materials have been sent to you. The Department does not keep a copy of your FOIA response documents.

Q: Do I need a FOIA request to obtain a copy of an oversized file document, such as an aerial photo, survey map, plan sheet, or display poster?

A: Certain IDNR photographs, posters and prints are available without charge. Check the IDNR home page for additional information. For oversized documents such as survey map or plan sheets, special reproduction arrangements and fees for commercial copy vendor service may be

necessary. For aerial maps and photos, check IDNR home page links, or website for links to other state/federal agencies, such as the state highway department, or federal agencies, such as National Oceanic Atmospheric Administrations [NOAA] or the U.S. Geological Survey [USGS], which often provide free public access to this type of information.

Q: If I need information from a regional IDNR office, should I send a FOIA request to that regional IDNR office or to the Springfield IDNR office?

A: FOIA requests for information that may be on file at a regional IDNR office should be sent to the Springfield IDNR office. Please include specific references to the regional IDNR office or staff member in order to help expedite the FOIA response.

Q: If I need information from a scientific survey group, such as the Illinois State Geological Survey or Illinois State Water Survey, should I send a FOIA request to that survey office or to the Springfield IDNR office?

A: FOIA requests for information from the Illinois State Geological Survey, the Illinois State Water Survey, or the Illinois State Historic Survey can be sent directly to those scientific survey organizations.

Q: Why is the IDNR FOIA program different from other state agencies and their FOIA programs?

A: Each State agency is authorized to administer regulatory programs as mandated by different State and/or Federal laws; each state/federal statutes involve different obligations. These separate regulatory obligations caused the delegated state agency, such as the IDNR, the EPA, the Health and Human Services Department, the Department of Transportation, Secretary of State's Office, etc., to operate and function differently.

These separate statutory mandates also affect the FOIA programs for each agency in order to coordinate the FOIA with the specific goals of the agency. Certain agencies, such as the scientific surveys, are intended to assist research and education; whereas other agencies, such as the Illinois EPA, primarily regulate and enforce federal and state environmental regulatory programs. As an example for FOIA provisions about the nondisclosure of confidential information, the Illinois State Police FOIA concern is inadvertent disclosure of witness identity, whereas the Illinois State Board of Education FOIA concern might be protection of student test scores or family financial issues. The Illinois EPA FOIA concerns would protect disclosure of ~~Approprietary~~ trade secrets that could apply to permitted uses of innovative pollution control technology.

The IDNR was authorized to administer the regulatory programs of 5 separate state agencies when consolidated in 1995; the total statutory mandates for the IDNR programs are therefore broad and

diverse. These programs are a combination of education, research, data gathering, regulation and enforcement, as well as criminal prosecutions. As examples of unique IDNR FOIA confidentiality issues, the IDNR FOIA process will not disclose information concerning threatened and endangered species/habitat location[s], ongoing state Conservation Police accident or criminal investigations, coal/oil/gas drilling reports or logs, ongoing applications for state OSLAD grants, or pending capital development/contracts bids concerning IDNR facilities and parks.

Q: How do I get documentation from DNR on Boating Under the Influence (BUI) under the Boat Registration and Safety Act [625 ILCS 45/5-1 through 5-21] and and Snowmobiling Under the Influence (SUI) [625 ILCS 40/5-1 through 5-7,6]?

A: All requests for such documentation needs to be submitted on the IDNR FOIA request form along with appropriate release documents signed by the named individual.

Q: Can I submit a FOIA request to automatically receive future records or updates concerning ongoing IDNR programs or conservation projects?

A: No. The FOIA request is not intended to automatically provide updated information as a news subscription. To obtain future information and/or updates, you must submit a separate FOIA request. However, to avoid excessive fees or duplicate records, you should limit your request scope for documents by date (i.e. "all records for the years of ____to ____" or "all records since ____"). You should also check the IDNR website for various program/project updates to help focus your requests.

Under certain circumstances that are in the public interest, the IDNR will negotiate an intergovernmental agreement which is designed to share data generated by either public entity or their contractor, on an ongoing or as need basis.

Q. Can I obtain electronic communications, such as e mails, along with other documents and records on a particular topic through my FOIA request?

A. Yes. However, you should understand that e-mail correspondence is often voluminous; each electronic communication document is a record for which a per page charge is applied. You may consider limiting the scope of your FOIA request to initially exclude e-mail correspondence, but then submitting a follow-up FOIA request for such electronic records.

Additionally, e-mail correspondence is often used for internal communications and policy making; as such e-mail correspondence may be exempted from disclosure under the amended FOIA, and determinations concerning such release may be time-consuming with the additional advice from the Public Access Coordinator of the Illinois Attorney General.